

# Order

Michigan Supreme Court  
Lansing, Michigan

October 3, 2008

Clifford W. Taylor,  
Chief Justice

134950

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

MARK S. MARTIN,  
Plaintiff-Appellee,

v

SC: 134950  
COA: 276134  
WCAC: 05-000230

EATON CORPORATION,  
Defendant-Appellant.

---

On order of the Court, the application for leave to appeal the August 16, 2007 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration as on leave granted in light of *Stokes v Chrysler LLC*, 481 Mich 266 (2008).

CAVANAGH, J., would deny leave to appeal.

WEAVER, J. (*dissenting*).

I dissent from the order remanding this case to the Court of Appeals as on leave granted for reconsideration in light of *Stokes v Chrysler LLC*, 481 Mich 266 (2008).

Because I dissented from the majority opinion in *Stokes*, I would grant leave to appeal in this case to consider whether the *Stokes* majority reached the correct decision in *Stokes*.

KELLY, J., joins the statement of WEAVER, J.



0930

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 3, 2008

*Corbin R. Davis*

Clerk